

Appl. No. 10/715,368
December 18, 2006

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REMARKS/ARGUMENTS

Claims 1-10 stand rejected in the outstanding Official Action. However, claims 1-11 were presented in the Amendment filed June 27, 2006 and therefore Applicant questions the status of previously written independent claim 11. Applicant has amended claim 6 and therefore claims 1-11 remain in this application.

On page 2, section 1 of the outstanding Official Action, the Examiner correctly objects to line 10 of claim 6 which recited "said said" and this typographical error has been corrected in the above amendment.

In view of the Examiner's verbatim repetition of his basis for rejection of claims 1-10, Applicant herein incorporates by reference the traversal and all arguments relating thereto of the rejection of claims 1-10 contained in the Amendment dated June 27, 2006.

On page 2, section 2 through page 5, the Examiner essentially restates the rejection of claims 1-10, but ignores newly written claim 11. Applicant inquires as to whether claim 11 has been allowed or whether it was intended to be included in the rejection of claims 1-10 under 35 USC §102. Clarification of the status and statutory basis for any future rejection of claim 11 is respectfully requested.

Also, in the rejection of claims 1-10 under 35 USC §102, the Examiner appears to have incorporated the subject matter of the previous Official Action verbatim and this is believed to contain no response to the points and arguments set out in Applicant's Amendment filed June 27, 2006.

The only portion of the Final Rejection which appears to respond to Applicant's previously submitted remarks is "section 2" on page 6 of the Final Rejection which is entitled

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"Response to Arguments." The Examiner does not dispute that Applicant's independent claim 1 specifies that the "at least one further circuit" responds to a change "from a first desired data processing performance level to a second desired data processing performance level." Applicant's claim also recites that "said at least one further circuit supports data processing at at least one intermediate data processing performance level."

The Examiner now alleges that the Cooper reference discloses that in one embodiment the "performance level change the processor is in a relatively quiescent state by intercepting all interrupts" and cites column 5, lines 27-29. However, the actual quote from Cooper is "in one embodiment, performance control logic 16 ensures that processor 12 is in a relatively quiescent state by intercepting all interrupts."

The definition of the word "quiescent" is well known to those of ordinary skill in the art and Applicant includes herewith a photocopy of page 967 from *Webster's Ninth New Collegiate Dictionary* which defines "quiescent" as "marked by inactivity or repose; tranquilly at rest."

Claim 1 specifies first and second desired data processing performance levels, i.e., these are levels at which data processing is occurring. The claim further specifies "at least one intermediate data processing performance level" (emphasis added) which is clearly a data processing level intermediate the first and second data processing performance levels.

Accordingly, even if one of the first and second desired data processing performance levels were zero (assuming that "zero" is in fact a processing level, even though no processing is taking place) the intermediate data processing performance level (intermediate the first and second levels) could not possibly be considered zero.

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Thus, the claim of an "intermediate data processing level" ensures that the data processor is not quiescent or at rest as the Examiner concludes the Cooper reference teaches. Moreover, Cooper is clearly quiescent by "intercepting all interrupts." Thus, Cooper, in teaching data processing "quiescence" would clearly lead one of ordinary skill in the art away from Applicant's claimed "intermediate" processing performance level between the specified first and second data processing performance levels.

As a result, the Examiner has either ignored the distinctions set forth in the June 27, 2006 Amendment or believes that the term "relatively quiescent" somehow teaches an intermediate data processing performance level which is "intermediate" first and second desired data processing performance levels. Should the Examiner believe this is the meaning of "quiescent" by those of ordinary skill in the art, he is respectfully requested to point out how or why he believes there is any support for such meaning, especially in view of the attached dictionary definition of "quiescent."

Absent making of record any contrary definition to the word "quiescent," the Examiner's allegation that Cooper provides any teaching of a processor operating "at an intermediate performance level" is simply unsupported by the facts. Indeed Cooper, in teaching quiescence, would appear to teach away from Applicant's claimed combination of elements. Therefore, any further rejection of claims 1-10 under 35 USC §102 as being anticipated by Cooper is respectfully traversed.

Entry of the Amendment Under the Provisions of Rule 116

Entry of the above amendment pursuant to the provisions of Rule 116 is respectfully requested. The above amendment merely corrects an objection to claim 6 based upon a

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typographical error in the previous amendment to claim 6. The correction of this typographical error does not change the scope of claim 6 and therefore cannot require further consideration and/or search. This amendment to claim 6 does place claim 6 and the remaining claims in proper condition for appeal should an appeal be necessary. Further, this amendment does not add any additional claims to the application. Accordingly, entry of the amendment under Rule 116 is respectfully requested.

Another reason for entering this amendment is to require an Advisory Action which clarifies the Examiner's position regarding previously submitted claim 11 which recites the at least one further circuit as including "means for supporting data processing at at least one intermediate data processing performance level." Applicant utilized means-plus-function language which will have a different claim construction scope from that set out in independent claim 1.

Accordingly, entry of the above amendment pursuant to the provisions of 37 CFR 1.116 as well as an Advisory Action confirming such entry and the disposition of Applicant's previously submitted claim 11 is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Final Rejection, it is submitted that claims 1-11 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

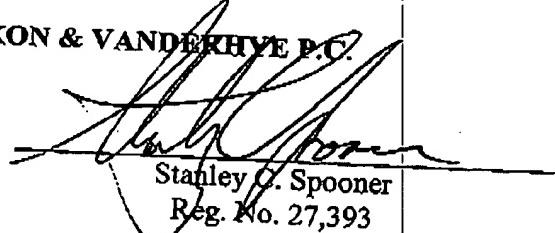
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Respectfully submitted,

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3) 1: a braid of hair;
a waiting line esp. of
to arrange or form in
then used with up —
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jibes — quibbler
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fr. *tartine* fem. of
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ON *knif* living, fr.
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